APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,427	01/22/2004	Jonathan Feinberg	260-007 LOT9-2003-0108US1	4906

44185 7590 05/12/2011	EXAMINER
LOTUS AND RATIONAL SOFTWARE	ABDUL-ALI, OMAR R
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ART UNIT	PAPER NUMBER
2172	

NOTIFICATION DATE	DELIVERY MODE
05/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dave@davedagg.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 February 2011</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10 and 33-45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-10 and 33-45</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the Appeal Brief filed February 5, 2011. Claims 1-10 and

33-45 are pending and have been considered below.

1.   Applicant's arguments with respect to the rejection(s) of claim(s) 1-10 and 33-35

under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the

rejection has been withdrawn. However, upon further consideration, a new ground(s) of

rejection is made in view of Canfield et al. (US 7,127,685) and Fink et al. (US

2006/0159253).

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-3, 8-10, 33, 34, 35, 36, 41, 42, 43, 44, and 45 are rejected under 35

U.S.C. 103(a) as being unpatentable over Godefroid et al. (US 6,697,840) in view of

Canfield et al. (US 7,127,685), further in view of Fink et al. (US 2006/0159253) and

further in view of Werdonrfer et al. (US 7,275,215).

Claims 1, 34, and 45: Godefroid discloses a method and apparatus implementing

presence awareness in collaborative systems comprising sensing a number of instant

messaging sessions associated with a user of a remote computer system (column 5,

lines 19-46), but does not explicitly disclose wherein said number of instant messaging

sessions associated with said user of said remote computer system is a total number of

display windows currently open for instant messaging sessions on said remote

computer system and wherein said number of instant messaging sessions associated

with said user of said remote computer system is a plurality of instant messaging

sessions. Canfield discloses displaying a total number of instant messaging sessions

that a user is currently engaged in, wherein each session is represented by a tear-off

element tab that allows a user to switch between sessions (column 3, lines 9-25). Fink

further discloses an agent status indicator which provides a user with the details of a

remote user, specifically the number of active chat sessions an agent is engaged in

(page 3, paragraphs 37 and 38). It is obvious that a chat session is presented in a

window in Godefroid, and it would have been obvious to one having ordinary skill in the

art at the time the invention was made to sense a multitude of instant messaging

sessions presented in display windows in Godefroid. One would have been motivated

to sense a plurality of instant messaging sessions in order to allow a user to keep track

of all chat participants.

   Godefroid discloses conveying said number of instant messaging sessions from

remote user to an awareness server application process (column 5, lines 19-46);

Godefroid discloses conveying said number of instant messaging sessions from remote user to an awareness client application process executing on a local computer system (column 5, lines 19-46);

Godefroid discloses presenting, by awareness client application process, said number of instant messaging sessions in a display for said local computer system (column 5, lines 19-46), but does not explicitly disclose presenting the number responsive to said local computer system selecting said remote computer system user. Werdonrfer discloses a similar system that further discloses presenting user information in a pop up information screen responsive to a user selecting a user representation (Figure 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to present the number of instant messaging sessions responsive to selecting a remote computer system user in Godefroid. One would have been motivated to present the number of instant messaging sessions in response to the computer system user selecting a remote computer system user in order to display information related to a contact.

Claims 2 and 35: Godefroid, Canfield, Fink, and Werdonrfer disclose a method and apparatus implementing presence awareness in collaborative systems as in Claims 1 and 34above, and Godefroid further discloses:

a. sensing activity level associated with at least one of said instant messaging sessions associated with said user of said remote computer system (column 5, lines 19-46);

b. conveying said activity level from remote computer system to awareness
server application process (column 5, lines 19-46);

c. presenting, by awareness application process, activity level associated with
user of remote computer system in said display for said local computer system (column
5, lines 19-46).

Claims 3 and 36: <u>Godefroid, Canfield, Fink</u>, and <u>Werdonrfer</u> disclose a method and
apparatus implementing presence awareness in collaborative systems as in Claims 2
and 35 above, and <u>Godefroid</u> further discloses:

a. presenting said number of instant messaging sessions and activity level
simultaneously in said display for said local computer system (column 5, lines 19-46).

Claims 8 and 41: <u>Godefroid, Canfield, Fink</u>, and <u>Werdonrfer</u> disclose a method and
apparatus implementing presence awareness in collaborative systems as in Claims 1
and 34 above, and <u>Godefroid</u> further discloses:

a. presenting modal dialog box in response to detection of a request by user of
local computer system for instant message system with user of remote system, includes
indication of whether or not to terminate said request (column 5, lines 52-55).

Claims 9 and 42: <u>Godefroid, Canfield, Fink</u>, and <u>Werdonrfer</u> disclose a method and
apparatus implementing presence awareness in collaborative systems as in Claims 1
and 34 above, and <u>Godefroid</u> further discloses:

a. presenting an interface to said local user that indicates whether a number of instant messaging associated with said user of said local computer system is to be shared with other users (column 6, lines 12-18).

Claims 10 and 43: Godefroid, Canfield, Fink, and Werdonrfer disclose a method and apparatus implementing presence awareness in collaborative systems as in Claims 1 and above, and Godefroid further discloses:

a. presenting an interface that enables said user of said local computer system to specify one or more other users with which a number of instant messaging sessions associated with local user is to be shared (column 6, lines 12-18).

Claims 33 and 44: Godefroid, Canfield, Fink, and Werdonrfer disclose a method and apparatus implementing presence awareness in collaborative systems as in Claims 1 and above, and DeSimone further discloses displaying, by said awareness client application process, information indicating which participant initiated each of said instant messaging sessions associated with said user of said remote computer system in said display for said local computer system (column 13, lines 60-67; Fig. 7). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present an identity of an initiator of each of said instant messaging sessions associated with said user of said remote computer system in Godefroid. One would have been motivated to present the identity of an initiator of each instant messaging session for tracking purposes.

4.   Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Godefroid et al. (US 6,697,840) in view of Werdonrfer et al. (US 7,275,215), Canfield et

al. (US 7,127,685), further in view of Fink et al. (US 2006/0159253), and further in view

of Brin (US 7,124,372).

Claim 4: Godefroid, Canfield, Fink, and Werdonrfer disclose a method and apparatus

implementing presence awareness in collaborative systems as in Claim 3 above, but

the references do not explicitly disclose that the activity level reflects a time at which the

most recent keystroke was entered by said user of said remote computer system.

However, Godefroid does disclose that the start time and end time of a collaboration

session is available to users (column 7, lines 52-54). Brin discloses a similar method

implementing presence awareness in collaborative systems that further discloses

placing a timestamp on each press of the 'Enter' key of a keyboard (column 13, lines 1-

18). Therefore, it would have been obvious to one having ordinary skill in the art at the

time the invention was made that a time stamp could be applied to any message sent

by a user in Godefroid. One would have been motivated to determine the time the most

recent keystroke was entered for record keeping purposes, and to keep track of a user's

presence on their computer terminal.

Claim 5: Godefroid, Canfield, Fink, Werdonrfer, and Brin disclose a method and

apparatus implementing presence awareness in collaborative systems as in Claim 4

above, and Brin further discloses said activity level associated with said remote user

reflects a time at which a most recent text message was received by said user of said remote computer system in said at least one of said instant messaging sessions (column 13, lines 1-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a time stamp could be applied to any message received from a remote user in <u>Godefroid</u>. One would have been motivated to determine the time at which a most recent text message was received by a remote user for record keeping purposes.

Claim 6: <u>Godefroid</u>, <u>Canfield</u>, <u>Fink</u>, <u>Werdonrfer</u>, and <u>Brin</u> disclose a method and apparatus implementing presence awareness in collaborative systems as in Claim 5 above, and <u>Godefroid</u> further discloses:

a. activity level indicating time at which instant messaging session was initiated (column 7, lines 52-54).

Claim 7: <u>Godefroid</u>, <u>Canfield</u>, <u>Fink</u>, <u>Werdonrfer</u>, and <u>Brin</u> disclose a method and apparatus implementing presence awareness in collaborative systems as in Claim 5 above, and <u>Godefroid</u> further discloses:

a. sensing identity of at least one other participant in an instant messaging session with said user of said remote computer system (column 5, lines 19-46);

b. conveying said identity from said remote computer system to said awareness server application process (column 5, lines 19-46);

c. presenting said identity of at least one other participant in said display for said

local computer system (column 5, lines 19-46).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to OMAR ABDUL-ALI whose telephone number is

(571)270-1694. The examiner can normally be reached on Monday-Friday 10:30-

7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Boris Pesin can be reached on 571-272-4070. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OMAR ABDUL-ALI/
Examiner, Art Unit 2172